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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,416	03/13/2001	Kent H. Harle	39133-1007	2140

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,416

Applicant(s)

HARLE ET AL.

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 8-10, 12, 13, 15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rioux et al. (USPN 5,685,387).

Rioux shows a snowmobile with an engine 22 and a generally U-shaped support member (with side walls 40, 42, and a bottom wall, as seen in Figure 3). A drive pulley 20 is connected to an output shaft 31 by an isolation member 75 and to a driven pulley via a belt 16. Both pulleys are mounted to a side 42 of the support member on their outboard side only. A gear case 18 is mounted within the support member, as seen in Figure 3. The gear case contains at least two gears with a reduction ratio of about 1.5:1 to about 2.3:1.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 11, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rioux '387 in view of Juto.

Rioux '387 is silent regarding a water pump mounted to the support member. It is also silent regarding clutches in both pulleys.

Art Unit: 3611

Juto shows a snowmobile with a water-cooled engine having a water pump 50 mounted near the engine. It also teaches providing centrifugal clutches in both pulleys of the variable transmission 55.

It would have been obvious to a skilled artisan to water cool the engine, as is old and well known, and is taught by Juto, in order to keep the engine from overheating. It would also have been obvious to one of ordinary skill in the art to provide the Rioux pulleys with centrifugal clutches, as taught by Juto in order to facilitate drive ratio shifting.

5. Claims 1-3, 6-10, 12, 13, 16-20, 22, 24-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rioux et al. (USPN 5,607,026) in view of Rioux et al. (USPN 5,685,387).

Rioux '026 teaches all of the claimed features except a gearcase 18 within the support member wall 40.

Rioux teaches mounting a gear case 18 within the support member wall 40.

It would have been obvious to one of ordinary skill in the art to mount the gearcase of Rioux '026 within the support member, as taught by Rioux '387, in order to protect the gear case. Rioux '387 also teaches a gear ratio of between 1.5:1 and 2.3:1 for a fixed reduction gear set (see col. 2, lines 27-32). Therefore, it would have been obvious to one of ordinary skill in the art to provide gearing with a reduction ratio of 1.5:1 to 2.3:1, as taught by Rioux, in order to provide appropriate gear reduction for that type of vehicle.

Regarding claim 27, the Rioux references are silent regarding the use of cast aluminum for forming the frame. However, it is old and well known and would have been obvious to a skilled artisan to use aluminum in supporting structures for vehicles, in order to reduce the overall weight of the vehicle.

6. Claims 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rioux '026 and Rioux '387 as applied to claim 22 above, and further in view of Juto.

The combination of Rioux '026 and Rioux '387 is silent regarding an engine water pump and centrifugal clutches with pulleys.

Juto shows a snowmobile with a water-cooled engine having a water pump 50 mounted near the engine. It also teaches providing centrifugal clutches in both pulleys of the variable transmission 55.

It would have been obvious to a skilled artisan to water cool the engine, as is old and well known, and is taught by Juto, in order to keep the engine from overheating. It would also have been obvious to one of ordinary skill in the art to provide the Rioux pulleys with centrifugal clutches, as taught by Juto in order to facilitate drive ratio shifting.

7. Applicant's arguments filed October 15, 2002 have been fully considered but they are not persuasive.

Applicant argues that Rioux '387 fails to teach a internal gear cavity. The examiner disagrees. Rioux '387 clearly shows a gearbox 18 mounted within the support

Art Unit: 3611

member 40. As broadly recited, both the large opening 44 in the support member and the gearbox 18 which is fixed within the opening in the support member read on the "internal gear cavity" claimed. Applicant argues that the gearbox 18 of Rioux is separate and distinct from the support member and therefore is not a cavity within the support member. The applicant agrees that gears are contained within a gearbox 18 which is situated within a large opening 44 in the support member 40. The examiner maintains that the large opening 44 in the support member is a cavity. The gearbox also forms a cavity which fully contains gears and is received in, surrounded by, and supported by the support member. Therefore, the claim limitations are met by Rioux '387.

Regarding claims 4, 11, 14, 21, 23, and 28, applicant argues that the prior art provides no support for the examiner's assertion that it is well known to provide a water pump mounted to a support member and to make a snowmobile frame out of aluminum. However, prior art already of record provides these teachings. Juto teaches the use of a water pump mounted next to an engine and ultimately mounted on the same support structure as the engine. The examiner also maintains that it is old and well known to form vehicle frame structures out of aluminum. Eto (USPN 5,992,552), for example, teaches, in col. 4, lines 26-30, teaches forming a snowmobile frame structure out of aluminum. Marier (USPN 5,660,245) also indicates that it is old and well known to make frame members out of aluminum for weight reduction (col. 5, lines 9-10) and to provide a water pump for engine cooling (col. 6, lines 58-60). Therefore, the examiner

Art Unit: 3611

believes adequate support has been provided for the assertion that these features are old and well known.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9325 for regular communications and 703-872-09327 for After Final communications.

Art Unit: 3611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Handwritten signature of Anne Marie M. Boehler, dated 12/27/02.

Anne Marie M. Boehler  
Primary Examiner  
Art Unit 3611

amb  
December 27, 2002